

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DOMINICK EOSSO, et al.,

Plaintiffs,

v.

SEASTREAK AMERICA, INC., et al.,

Defendants.

Civil Action No. 09-249

ORDER

THIS MATTER having come before the Court in accordance with L. Civ. R. 83.3 and referencing New Jersey Court R. 4:44-3, as well as other Rules governing the Courts of the State of New Jersey; and counsel for the parties having reported to the Court that a settlement of the minor plaintiff's claim has been arrived at between all parties; and the Court finding that Dominick Eosso's guardians sufficiently understand the terms of the settlement and consent to entry of this Order; and the Court having reviewed the claims asserted in the Complaint in this matter, alleging physical injury to the minor plaintiff arising from an incident that occurred on July 4, 2007; and the Court finding an absence of severe or persistent physical injury to the minor child; and the Court further finding that the terms of the settlement agreement constitute a full and final release of all future obligations to plaintiff on the part of Defendants that may arise from the aforementioned incident; and the Court further finding that the settlement is fair and in the best interest of Mr. Eosso; and the Court having conducted a hearing on the record on April 1, 2010; and the Court having approved the aforementioned settlement; and for good cause shown,

IT IS on this 1st day of **April, 2010**,

ORDERED that Judgment is entered on behalf of the plaintiffs, DOMINICK EOSSO, a

minor by his Guardian ad Litem, and in favor of GARY EOSSO and DEBRA EOSSO in the total amount of \$22,500.00 against the defendants, SeaStreak America, Inc., SeaStreak, LLC, SeaStreak Wall Street, Circle Navigation III, Inc. and The American Club, as well as their affiliated parent(s) or related corporations and their officers, directors, owners, successors, assigns, employees, agents, lessees, managers, underwriters, charterers and insurers, without costs and/or interest; and it is further

ORDERED, that the following deductions shall be made from this gross settlement and paid by the defendant as follows:

\$6,829.21 to be paid to plaintiff's attorney consisting of

- a) \$1,605.62 for actual disbursements and
- b) \$5,223.59 for attorney's fees; and it is further

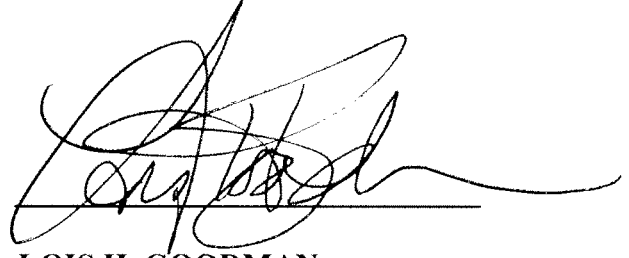
ORDERED that pursuant to R.4:48A that the net recovery of \$15,670.79, shall be paid by or on behalf of the defendant by check payable to the Surrogate of Ocean County Intermingled Account in the name of Dominick Eosso, a minor, date of birth February 27, 2000, within twenty-one days of the date of this Order; and it is further

ORDERED that Gary Eosso and Debra Eosso, (the Guardian Ad Litem) immediately make application to the Surrogate of Ocean County pursuant to R. 4:81 for the appointment of a limited guardian of the estate of the minor limited to the amount on deposit with the Surrogate. Said guardian shall not be authorized to receive any funds on behalf of the minor child except court directed withdrawals. Upon otherwise qualifying as Guardian, the posting of a bond by that person is dispensed with pursuant to N.J.S.A. 3B:15-16.

Thereafter, monies are to be paid from said accounts only upon further order of the

Superior Court of New Jersey, Chancery Division, Probate Part, pursuant to N.J.S.A. 3B:15-17 or upon the minor attaining majority under N.J.S.A. 3B:15-17; and it is further

ORDERED that the attorney for the plaintiffs shall deliver a copy of this Order to all parties and the Surrogate of Ocean County within seven days from the date of this Order.

A handwritten signature in black ink, appearing to read 'Lois H. Goodman', is written over a horizontal line.

LOIS H. GOODMAN

United States Magistrate Judge